
FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of the Kessi Section 29 – Short-term O&C Road Permit EA (Environmental Assessment Number OR-080-01-15), I have determined that the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. I have also determined that the proposed action is in conformance with the approved land use plan. It is my decision to implement the proposed action, as described in the EA.

Right to Appeal

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from the date of this decision. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If no appeal is received by the close of business (4:00 p.m. Pacific Standard Time) on October 26, 2001, this decision will be implemented.

Contact Person: For additional information concerning this decision or the BLM appeal process, contact Belle Smith, Marys Peak Field Office, 1717 Fabry Road SE, Salem, Oregon 97306; telephone 503 - 315 - 5984.

Responsible Official Cindy Enstrom Date 9/26/01

Cindy Enstrom
Field Manager
Marys Peak Resource Area, Salem District
Bureau of Land Management
1717 Fabry Road SE
Salem, OR 97306

**OPTIONAL ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT
IMPACT, and DECISION RECORD FORM¹**

ENVIRONMENTAL ASSESSMENT

EA Number: OR-080-01-15

BLM Office: Salem Resource Area
1717 Fabry Road SE
Salem, OR 97306

Proposed Action Title: Kessi Section 29 – Short-term O&C Road Permit

Type of Project: Construction of a temporary road across BLM land to access and thin a small diameter timber stand.

Location of Proposed Action: The project area is located approximately 3 air miles south of Harlan, Oregon in Lincoln County. The lands are administered by the Marys Peak Resource Area within the Salem District of the BLM. The project would occur within the Big Elk Watershed in lands designated as Late Successional Reserve in the N½SE¼ of Section 29, T. 12 S., R. 8 W., Willamette Meridian.

Conformance with Applicable Land Use Plan: The proposed action is in conformance with the following documents: RMP (*Salem District Record of Decision and Resource Management Plan*), dated May 1995 (pp. 57, 62-64, Appendix C-Section II Roads); *Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (S&M ROD, January 2001) and the *Final Supplemental Environmental Impact Statement For Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (S&M FSEIS, November 2000), and *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, dated April 1994 (pp. B-9 to B-10, C-32 to C-33).

Purpose of and Need for Action: The applicant, Tompkins Children's Trust, Delbert Kessi, Executor, has requested a short-term O&C Road Permit allowing the construction of an approximate 880-foot long temporary road across BLM land, and use of 2.48-miles of BLM controlled North Fork Access Road. The purpose of the road construction across BLM and use of

the existing BLM controlled road would be to conduct timber harvesting activities and to haul merchantable volume from the applicant's land to the mill.

Description of the Proposed Action: The applicant proposes to construct an approximate 880-foot long temporary road across BLM land, atop a ridge line that separates a 12-year old plantation on the east slope, from a 100-130 year old conifer stand to the west. The project would involve clearing up to 0.5 acre of scattered plantation trees and up to three mature Douglas fir trees and one snag which were reserved as wildlife trees from the previous harvest unit. Those trees are considered to be isolated from the adjacent mature stand and would either be utilized as coarse woody debris within the plantation, or could be recovered by the BLM for use in future fish structures.

No live streams are located on or near the ridge top road. Therefore, any surface sediment that could be carried by rainfall would dissipate in the downslope vegetation.

Road construction and log hauling would occur outside the March 1 - August 5 nesting season for listed species. Following completion of the log haul, the applicant would be required to construct drain dips, seed all disturbed areas (including the roadbed, cut and fill slopes), and block the road.

The proposed action is expected to occur during fiscal year 2002, and may extend into 2003.

Consultation and Public Involvement: This action results in a no effect to spotted owls, bald eagles, and Oregon coast coho salmon, and may affect, not likely to adversely affect marbled murrelets. Impacts to marbled murrelets were covered in the October 4, 2000 Biological Opinion for habitat modification.

In compliance with the National Environmental Policy Act, the proposed action was published on the Bureau of Land Management Salem District Internet site for 30 days, beginning on September 27, 2001. The internet site is available for interested public to access information concerning project development. A copy of the EA was made available for public review at the Salem District Office.

Affected Environment: The project area is located in Late Successional Reserve (as identified within the Salem District Record of Decision and Resource Management Plan, pg. 15). It is not located within any allocated Riparian Reserve lands.

Environmental Impacts: For a full discussion of the physical, biological, and social resources of the Salem District, refer to the Salem District FEIS. For a site-specific discussion of effects from the proposed action which supplements the discussion in the FEIS, refer to Appendix 1 of this EA.

APPENDIX 1

ENVIRONMENTAL ELEMENTS

Environmental Assessment Number OR-080-01-15

In accordance with law, regulation, executive order and policy, the Kessi Section 29 - Short Term O&C Road Permit interdisciplinary team reviewed the elements of the environment to determine if they would be affected by the proposed action described in Environmental Assessment Number OR-080-01-15. The following **three tables** summarize the results of that review.

Table 1. Critical Elements of the Environment. This table lists the critical elements of the environment which are subject to requirements specified in statute, regulation, or executive order.		
CRITICAL ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Air Quality	Not Affected	The proposal does not involve any actions which affect air quality.
ACEC (Area of Critical Environmental Concern)	Not Affected	No ACEC is located within the proximity of this proposed action.
Cultural, Historic, and Paleontological	Not Affected	No pre-project survey required as outlined in the <i>Protocol for Managing Cultural Resources on Land Administered by the Bureau of Land Management in Oregon; Appendix D - "Coast Range Inventory Plan.</i>
Native American Religious Concerns	Not Affected	None known.
Threatened or Endangered (T&E) Plant Species or Habitat	Not Affected	There are no known T&E plant species or habitat that occur within the project area. Surveyed August 29, 2001.
Threatened or Endangered Wildlife Species or Habitat	May affect, not likely to adversely affect for marbled murrelets. No effect for spotted owls and bald eagles.	The adjacent older forest habitat is considered suitable habitat for spotted owls and marbled murrelets. The nearest resident pair of spotted owls is over 3-miles to the south, and the nearest known murrelet site is 4-miles to the southeast.
Threatened or Endangered Fish Species or Habitat	Not Affected	There is no effect on the aquatic environments, essential fish habitat, or on listed fish.
Prime or Unique Farm Lands	Not Affected	No prime or unique farm lands associated with the right-of-way actions.

Table 1. Critical Elements of the Environment. This table lists the critical elements of the environment which are subject to requirements specified in statute, regulation, or executive order.

CRITICAL ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Flood Plains	Not Affected	No floodplains located in or affected by the actions.
Hazardous or Solid Wastes	Not Affected	No hazardous or solid waste found or produced by this proposal.
Water Quality (Surface and Ground)	Affected	Low potential for sediment delivery during road construction and log haul due to ridge top location and dry weather haul.
Wetlands/Riparian Zones (Executive Order 11990, Protection of Wetlands, 5/24/77)	Not Affected	No wetlands present in project location.
Wild and Scenic Rivers	Not Affected	No Wild and Scenic Rivers present.
Wilderness	Not Affected	No Wilderness in or adjacent to project area.
Invasive, Nonnative Species (includes Executive Order 13112, Invasive Species, 2/3/99)	Not Affected	Date of survey: (08/29/01) Tansy Ragwort (priority III noxious weed) is well established throughout Marys Peak Resource Area, including this area.
Environmental Justice (Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, 2/11/94)	Not Affected	The action would not have disproportionately high and adverse human health or environmental effects on minority populations and low income populations.

Table 2. Other Elements of the Environment. This table lists other elements of the environment which are subject to requirements specified in law, regulation, policy, or management direction.

ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Land Uses (including mining claims, mineral leases, etc.)	Not Affected	The existing road that the applicant is requesting use of, receives significant use by various companies under reciprocal right-of-way agreements. This action conforms with established uses.
Minerals	Not Affected	There are no known mining claims or mineral leases located within the project area.
Recreation	Not Affected	
Soils	Affected	The proposed action would occur upon a ridge top. Because of that, the disturbance to soils would be confined to a relatively narrow strip of land. Implementation of Best Management Practices would further reduce impacts.
Visual Resources	Not affected	The project area is located within the Class IV Visual Resource Management category which allows for major modifications of the existing character of the landscape. The proposed action is consistent with this classification.
Water Resources (including Aquatic Conservation Strategy Objectives, beneficial uses, etc.)	Not Affected	The proposed action would not retard or prevent the attainment of the Aquatic Conservation Strategy objectives (see Table 3). The proposed action would have no effect on the following beneficial uses: Public Water Supply, Private Domestic Water Supply, Irrigation, Maintenance of Aesthetic Quality, and Recreation, Wildlife, and Fisheries. Big Elk Creek drainage (from mouth to headwaters) is identified in the 303(d) listed streams as water quality limited in the following parameters: sedimentation; habitat modification; and temperature. Because of the ridge top location of the proposed construction and the dry weather haul, this action would not effect those water quality. (see Table 1, Water Quality for more detail).
Bureau Sensitive and Special Attention Plant Species/Habitat (including Survey and Manage, and protection buffer species)	Not Affected	There are no known Bureau sensitive and special attention plant species/habitat located within the project area.

Table 2. Other Elements of the Environment. This table lists other elements of the environment which are subject to requirements specified in law, regulation, policy, or management direction.

ELEMENTS OF THE ENVIRONMENT	AFFECTED / NOT AFFECTED	INTERDISCIPLINARY TEAM'S COMMENTS
Bureau Sensitive and Special Attention Wildlife Species/Habitat (including mammal Survey and Manage and mollusks)	Not Affected	There are no known Bureau sensitive and special attention wildlife species/habitat located within the project area, therefore no requirement to perform pre-project surveys.
Fish Species with Bureau Status and Essential Fish Habitat	Not Affected	No effects to this element of the environment (see Table 1 and Appendix 1 specialists reports).
Rural Interface Areas	Not Affected	None present.
Coastal Zone (affect on "any land or water use or natural resource of the coastal zone." The determination of effects should include "direct, indirect, cumulative, secondary, and reasonably foreseeable effects")	Not Affected	The proposed action is within the coastal zone as defined by the Oregon Coastal Management Program. This proposal is consistent with the objectives of the program, and the state planning goals which form the foundation for compliance with the requirements of the Coastal Zone Act. Management actions/direction found in the RMP were determined to be consistent with the Oregon Coastal Management Program.

Table 3: Aquatic Conservation Strategy Objectives Review Summary

ACS Objective	How Project Meets Aquatic Conservation Strategy Objectives
Maintain and restore distribution, diversity, and complexity of watershed and landscape features to ensure protection of aquatic systems.	The proposed project has low potential for sediment delivery to any stream channel during ridge top roadway construction and log haul. The dry weather haul on the existing roads would also have a low potential for sediment delivery.
Maintain and restore spatial connectivity within and between watersheds.	The proposed project would maintain the existing spatial and temporal connectivity within and between watersheds. No culverts are planned and therefore no aquatic connectivity would be affected.
Maintain and restore physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.	The proposed construction is located on a ridge at a significant distance from the nearest stream. No streams will be physically impacted by the project by the construction.
Maintain and restore water quality necessary to support healthy riparian, aquatic and wetland ecosystems.	Activities such as road construction may result in pulses of sediment delivery and turbidity if rain events occur during or shortly after work is done. However, the proposed project is located a significant distance from the nearest stream, and the hillside between the project and the stream consists of a dense Douglas-fir plantation and thick ground cover. Therefore, it is unlikely that significant sediment would reach the stream. Log haul on the existing road would occur during the dry season, on an access road which is well rocked and maintained.
Maintain and restore the sediment regime under which system evolved.	Activities such as road construction may result in pulses of sediment delivery and turbidity if rain events occur during or shortly after work is done. However, the proposed project is located a significant distance from the nearest stream, and the hillside between the project and the stream consists of a Douglas-fir plantation with thick ground cover. Therefore it is unlikely that significant sediment would reach the stream. Log haul on the existing road would occur during the dry season, on an access road which is well rocked and maintained.
Maintain and restore instream flows.	Road construction activities and log haul on a ridge top – as well as summer log haul on an existing rocked road would have no effect on base flows. The proposed project would maintain existing patterns of sediment, nutrient and wood routing.
Maintain and restore the timing, variability and duration of floodplain inundation and water table elevation in meadows and wetlands.	The proposed project would have no effect on the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands because there are no wetlands or meadows in the project area.
Maintain and restore the species composition and structural diversity of plant communities in riparian zones and wetlands to provide thermal regulation, nutrient filtering, and appropriate rates of bank erosion, channel migration and CWD accumulations.	The proposed construction is located a significant distance from the nearest stream and outside the Riparian Reserve. There are no wetlands or riparian zones located within the project area, or that would be affected by the proposed action. Therefore existing species composition and structural diversity would be maintained.

ACS Objective	How Project Meets Aquatic Conservation Strategy Objectives
Maintain and restore the species composition and structural diversity of plant communities in riparian zones and wetlands to provide thermal regulation, nutrient filtering, and appropriate rates of bank erosion, channel migration and CWD accumulations.	The proposed construction is located a significant distance from the nearest stream and outside the Riparian Reserve. There are no wetlands or riparian zones located within the project area, or that would be affected by the proposed action. Therefore existing species composition and structural diversity would be maintained.
Maintain and restore habitat to support well distributed populations of native plant, invertebrate, and vertebrate riparian-dependent species	The proposed construction is located a significant distance from the nearest stream and outside the Riparian Reserve, therefore no riparian dependent species or their habitat would be affected.

VI. LIST OF PREPARERS / INTERDISCIPLINARY TEAM MEMBERS

NAME	TITLE	RESOURCE ASSIGNED	INITIALS	DATE
Belle Smith	Natural Resource Specialist	NEPA Review	BS	9/26/2001
Amy Haynes	Riparian Ecologist	Ecological Impacts	ah	9/17/01
Scott Hopkins	Wildlife Biologist	Wildlife	SH	9-17-01
Patrick Hawe	Hydrologist	Hydrological Functions	PH	Sept 18, 01
Tom Vanderhoof	Biological Resource Technician	Cultural Resources	TMV	9-17-01
Steve Liebhardt	Fisheries Biologist	Fisheries/Aquatic Resources	SL	9/17/01
Ron Exeter	Botanist	Botany, Noxious Weeds	RE	Sept 13, 2001

Prepared by: Steve Cyrus

1 Pursuant to BLM Handbook 1790-1, Rel. 1-1547, 10/25/88, page IV-11, it is appropriate to use this optional form when all the following conditions are met: 1/ Only a few elements of the human environment are affected by the proposed action; 2/ Only a few simple and straightforward mitigation measures, if any, are needed to avoid or reduce impacts; 3/ There are no program-specific documentation requirements associated with the action under consideration; 4/ The proposed action does not involve unresolved conflicts concerning alternative uses of available resources and, therefore, alternatives do not need to be considered; 5/ The environmental assessment is not likely to generate wide public interest and is not being distributed for public review and comment; and 6/ The proposed action is located in an area covered by an existing land use plan and conforms with that plan.